

(RNBx),CLOSED,DISCOVERY

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Southern Division – Santa Ana)
CIVIL DOCKET FOR CASE #: 8:05-cv-00133-CJC-RNB**

Mansfield et al v. Costa Mesa City Of et al
Assigned to: Judge Cormac J. Carney
Referred to: Magistrate Judge Robert N. Block
Demand: \$12,000,000
Cause: 28:1983 Civil Rights

Date Filed: 02/04/2005
Date Terminated: 09/21/2006
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Wendy-Jo Mansfield
*individually, and as guardian ad litem for
her minor child, W D Holst*

represented by **Jason S Roberts**
Grant Genovese and Baratta
2030 Main Street, Suite 1600
Irvine, CA 92614-7257
949-660-1600
Email: jsr@ggb-law.com
TERMINATED: 05/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jerry L Steering
Jerry L Steering Law Offices
4063 Birch Street, Suite 100
Newport Beach, CA 92660
949-474-1849
Email: jerrysteering@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

W D Holst

represented by **Jason S Roberts**
(See above for address)
TERMINATED: 05/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jerry L Steering
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Cody Ryan Holst
an individual

represented by **Jason S Roberts**
(See above for address)
TERMINATED: 05/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jerry L Steering
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Costa Mesa City Of

represented by **Harold W Potter , Jr.**
Jones &Mayer

3777 N Harbor Blvd
Fullerton, CA 92835
714-446-1400
Fax: 714-446-1448
Email: hwp@jones-mayer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eric Wisener

represented by **Harold W Potter, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jeff Graham

represented by **Harold W Potter, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Does 1 through 10, inclusive
TERMINATED: 06/30/2005

Defendant

Christopher Bates

Defendant

David Casarez

Defendant

David Dehuff

Defendant

Clinton Dibble

Defendant

Does
1 through 10, inclusive

Defendant

Mathew Grimmond

Defendant

Scott May

Defendant

Gerard Stukkie

Defendant

Detective Torres

Defendant

Michael Yamada

Date Filed	#	Docket Text
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02/04/2005	1	COMPLAINT against defendants Costa Mesa City Of, Eric Wisener, Jeff Graham, Does 1 through 10, inclusive.(Filing fee \$ 250) jury demand. , filed by plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst.(dmjr,) (Entered: 02/15/2005)
02/04/2005		20 day Summons Issued re Complaint – (Discovery) 1 as to Costa Mesa City Of, Eric Wisener, Jeff Graham, Does 1 through 10, inclusive. (dmjr,) (Entered: 02/15/2005)
02/04/2005	2	Notice of Interested Parties filed by Plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst. (dmjr,) (Entered: 02/15/2005)
02/04/2005	3	DEMAND for Jury Trial filed by plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst.. (dmjr,) (Entered: 02/15/2005)
02/04/2005	4	DECLARATION of W D Holst in support of petition for appointment as guardian ad litem filed by Plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst. (dmjr,) (Entered: 02/15/2005)
02/04/2005	5	DECLARATION of W J Mansfield in support of petition for appointment as guardian ad litem filed by Plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst. (dmjr,) (Entered: 02/15/2005)
02/07/2005	6	Petition and ORDER by Judge Arthur Nakazato Wendy-Jo is appointed as guardian ad litem of minor W D Holst(dmjr,) (Entered: 02/15/2005)
02/15/2005	7	PROOF OF SERVICE Executed by plaintiff Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst, upon Eric Wisener served on 2/14/2005, answer due 3/6/2005. The Summons and Complaint were served by personal service, by federal statute, upon Lt Dale Birney, authorized to accept. Due Dilligence declaration not attached. Original Summons not returned. (dmjr,) (Entered: 02/16/2005)
02/15/2005	8	PROOF OF SERVICE Executed by plaintiffs Wendy-Jo Mansfield, William Donald Holst, Cody Ryan Holst, upon Costa Mesa City Of served on 2/14/2005, answer due 3/6/2005. The Summons and Complaint were served by personal service, by federal statute, upon Ruth Delaney, authorized to accept. Due Dilligence declaration not attached. Original Summons not returned. (dmjr,) (Entered: 02/16/2005)
03/10/2005	9	FIRST STIPULATION Extending Time to Answer the complaint. Costa Mesa City Of answer due 4/4/2005. filed by defendant Costa Mesa City Of. (dmjr,) (Entered: 03/15/2005)
04/06/2005	<u>10</u>	NOTICE of intent to schedule case by Judge Cormac J. Carney (dmjr,) (Entered: 04/07/2005)
04/21/2005	11	NOTICE of withdrawal of Jason S Roberts as co-counsel of record filed by plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst. (dmjr,) (Entered: 05/02/2005)
05/03/2005	<u>12</u>	Notice of withdrawal and ORDER by Judge Cormac J. Carney,, Attorney Jason S Roberts terminated.(dmjr,) (Entered: 05/04/2005)
05/03/2005	13	SCHEDULING ORDER by Judge Cormac J. Carney, Set Deadlines/Hearings: Discovery cut-off 3/15/2006. Motions due by 4/14/2006. Bench Trial set for 6/27/2006 09:30 AM before Honorable Cormac J. Carney. Final Pretrial Conference set for 6/19/2006 03:30 PM before Honorable Cormac J. Carney.(dmjr,) (Entered: 05/04/2005)
05/04/2005		***Terminated all deadlines and hearings. (dmjr,) (Entered: 05/04/2005)
05/04/2005	14	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Scheduling Order,, Set Deadlines/Hearings, 13 should have been docketed on another case (dmjr,) (Entered: 05/04/2005)
05/11/2005	15	ANSWER to Complaint – (Discovery) 1 with JURY DEMAND filed by defendants Costa Mesa City Of, Eric Wisener, Jeff Graham.(dmjr,) (Entered: 05/16/2005)

05/13/2005	16	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Cormac J. Carney ORDERING answer submitted by Defendants Costa Mesa City Of, Eric Wisener, Jeff Graham received on 5/11/5 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(dmjr,) (Entered: 05/16/2005)
05/24/2005	17	Certification and notice of Interested Parties filed by Defendants Costa Mesa City Of, Eric Wisener, Jeff Graham. (dmjr,) (Entered: 05/26/2005)
06/02/2005	18	JOINT Scheduling Conference/REPORT Rule 26(f) Discovery Plan filed; estimated length of trial four days. (twdb,) (Entered: 06/06/2005)
06/30/2005	<u>19</u>	SCHEDULING ORDER by Judge Cormac J. Carney : Discovery cut-off 3/31/2006. Motions due by 4/28/2006. Pretrial Conference set for 7/10/2006 03:30 PM. Trial set for 7/18/2006 09:30 AM. Any unserved Does/Roes are dismissed at this time. Should it later become necessary to name a Doe/Roe, counsel may make the appropriate motion to this court. Does 1 through 10, inclusive terminated.(twdb,) (Entered: 07/01/2005)
07/01/2005	<u>20</u>	ORDER by Judge Cormac J. Carney regarding settlement procedures, pre-trial conference and trial(dmjr,) (Entered: 07/05/2005)
01/24/2006	<u>21</u>	STIPULATION AND ORDER by Judge Cormac J. Carney: Discovery cut-off is enlarged to 5/19/2006; Motion cut-off is enlarged to 5/19/2006.(ln,) (Entered: 01/25/2006)
02/27/2006	23	NOTICE OF MOTION AND MOTION to File First Amended Complaint; filed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst. Motion set for hearing on 3/20/2006 at 01:30 PM before Judge Cormac J. Carney. (ln,) (Entered: 03/07/2006)
02/27/2006	24	MEMORANDUM OF POINTS and Authorities in Support of Plaintiffs MOTION to Amend/Correct 23 filed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst. (ln,) (Entered: 03/07/2006)
02/27/2006	25	DECLARATION of Jerry L Steering in Support re Plaintiffs MOTION to Amend/Correct 23 filed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst. (ln,) (Entered: 03/07/2006)
02/27/2006	26	NOTICE OF LODGING of First Amended Complaint re Plaintiffs MOTION to Amend/Correct 23 filed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst. (ln,) (Entered: 03/07/2006)
03/02/2006	<u>22</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Cormac J. Carney ORDERING motion for leave to file 1st amended petition submitted by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst received on 2/27/6 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(dmjr,) (Entered: 03/02/2006)
03/20/2006	<u>27</u>	STIPULATION AND ORDER by Judge Cormac J. Carney: Discovery cut-off continued to 5/19/2006; Motion cutoff date continued to 5/19/2006. Plaintiffs MOTION to Amend/Correct 23 is continued to 4/3/2006 at 01:30 PM;(ln,) (Entered: 03/20/2006)
03/24/2006	28	OPPOSITION to Plaintiffs MOTION to Amend/Correct 23 filed by Defendants Costa Mesa City Of, Eric Wisener, Jeff Graham. (ln,) (Entered: 03/27/2006)
03/28/2006	<u>29</u>	MINUTES OF IN CHAMBERS ORDER by Judge Cormac J. Carney: hearing on Plaintiffs MOTION to Amend/Correct 23 is continued to 4/24/2006 at 01:30 PM;Court Reporter: none present. (ln,) (Entered: 03/29/2006)
04/24/2006	<u>31</u>	MINUTES OF Motion Hearing held before Judge Cormac J. Carney: Plaintiffs MOTION to Amend/Correct 23 is granted. Court Reporter: Maria Dellaneve. (db,) (Entered: 04/30/2006)
04/24/2006	32	FIRST AMENDED COMPLAINT against defendants Christopher Bates, David Casarez, David Dehuff, Clinton Dibble, Does, Mathew Grimmond, Scott May, Gerard Stukkie, Torres, Michael Yamada, Costa Mesa City Of, Eric Wisener, Jeff Graham filed by plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst

		(esa,) (Entered: 05/04/2006)
04/25/2006	<u>30</u>	MINUTES OF IN CHAMBERS ORDER held before Judge Cormac J. Carney: Plaintiffs MOTION to Amend Complaint 23 is GRANTED(see Order for details)Court Reporter: none. (ln,) (Entered: 04/26/2006)
04/26/2006		PLACED IN FILE – NOT USED re [Proposed] Order on Plaintiffs Motion to File First Amended Complaint submitted by Plaintiffs Wendy–Jo Mansfield, W D Holst, Cody Ryan Holst; lodged 03/01/06 (ln,) (Entered: 04/28/2006)
05/25/2006	<u>33</u>	STIPULATION AND ORDER by Judge Cormac J. Carney: NOTE CHANGES MADE BY THE COURT. IT IS HEREBY ORDERED that the discovery cut–off date be extended to 8/18/2006, and that the motion cut–off date be extended to 8/18/2006. IT IS HEREBY FURTHER ORDERED that the pre–trial conference be continued to 10/2/2006 at 3:30 PM and that the trial be continued to 10/17/2006 at 9:00 AM. (mu,) Modified on 5/26/2006 (mu,). (Entered: 05/26/2006)
05/25/2006		FAX number for Attorney Harold W Potter is 714–446–1448. (mu,) (Entered: 05/26/2006)
06/21/2006	34	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, Cody Ryan Holst, upon Scott May served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	35	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, Cody Ryan Holst, upon David Casarez served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	36	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, Cody Ryan Holst, upon Christopher Bates served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	37	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, Cody Ryan Holst, upon David Dehuff served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	38	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, Cody Ryan Holst, upon Mathew Grimmond served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	39	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, W D Holst, Cody Ryan Holst, upon Eric Wisener served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	40	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, W D Holst, Cody Ryan Holst, upon Gerard Stukkie served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	41	PROOF OF SERVICE Executed by Plaintiffs Wendy–Jo Mansfield, W D Holst, Cody Ryan Holst, upon Clinton Dibble served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)

		06/27/2006)
06/21/2006	42	PROOF OF SERVICE Executed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst, upon Detective Torrez (Torres) served on 4/26/2006, answer due 5/16/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Lt Les Gogerty (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
06/21/2006	43	PROOF OF SERVICE Executed by Plaintiffs Wendy-Jo Mansfield, W D Holst, Cody Ryan Holst, upon Jeff Graham served on 4/27/2006, answer due 5/17/2006. The First Amended Complaint were served by Personal service, by Federal statute, upon Angela (agent for service of process). Due Dilligence declaration not attached. Original Summons not returned. (ln,) (Entered: 06/27/2006)
07/14/2006	<u>44</u>	STIPULATION AND ORDER by Judge Cormac J. Carney: Discovery cut-off continued to 10/10/2006; Motions due by 10/10/2006. Final Pretrial Conference continued to 11/21/2006 03:30 PM; Bench Trial continued to 11/28/2006 09:00 AM;(ln,) (Entered: 07/17/2006)
09/21/2006	<u>45</u>	STIPULATION AND ORDER by Judge Cormac J. Carney: DISMISSAL of the entire action of all causes of action against all defendants, with prejudice, is hereby ordered. Each side is to bear their own costs and attorney fees.(rla,) (Entered: 09/26/2006)
09/21/2006		Case dismissed pursuant to Order <u>45</u> . (MD JS-6. Case Terminated.) (rla,) (Entered: 09/26/2006)

SOURCE URL: <http://articles.latimes.com/2006/sep/28/local/me-dogshot28>.
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Costa Mesa Pays Family Over Killing of Pit Bull by 2 Officers

In the \$225,000 case, the officers pursued boys to cite them for riding their bikes without helmets.

September 28, 2006 | Garrett Therolf | Times Staff Writer

Costa Mesa has agreed to pay a family \$225,000 to settle a lawsuit that alleged two police officers were wrong when they shot Paul, the family's brindle pit bull, 15 times and killed him.

The dog was killed May 13, 2004, as police chased two boys through the family's backyard. Police said the boys, who were friends of the family, had run away from officers who were issuing them citations for riding their bikes without helmets.

"The death of Paul changed my family's life," said Mary-Jo Mansfield, mother of the family who owned the dog. "I don't think the police ever felt remorse, and we never heard they were sorry."

Harold Potter, the assistant city attorney who negotiated the settlement, said Paul was poised to attack and that police were in the right when they killed him.

For The Record

Los Angeles Times Saturday September 30, 2006 Home Edition Main News Part A Page 2 National Desk 1 inches; 41 words Type of Material: Correction

Dog settlement: An article in some editions of Thursday's California section about Costa Mesa paying a family \$225,000 for the fatal shooting of its dog by police identified the mother of the family as Mary-Jo Mansfield. Her name is Wendy Mansfield

"There has absolutely been no determination of police misconduct," he said, but other factors led to the city's payout. "For one thing, juries like dogs more than people."

The family's attorney, Jerry Steering, said witnesses of the bike riders' flight from police had pointed officers to the Mansfield home as their hiding place. When police knocked on the door, Mansfield's son, Cody Holst, then 17, answered. When he declined to immediately allow the officers to search his home, Steering said, two other officers jumped over the backyard fence and were confronted by Paul.

Steering said Paul sniffed Officer Eric Wisener's crotch. Another officer, Jeff Graham, told the Daily Pilot newspaper in 2004 that the dog bit Wisener. The two officers responded by shooting the dog.

Steering said in a news release that before the shooting, police pointed their guns at Cody Holst's 16-year-old brother, Billy, and would not let him put Paul and the family's other pit bull in the house. The release also said that after shooting Paul, officers tackled Cody, pushed Billy to the ground and handcuffed him, and then taunted the brothers.

The family had acquired the dog from a shelter after he was found as a puppy in a trash can suffering from rickets.

Mansfield and her sons filed suit in federal court, saying the officers wrongfully denied them the use of their property: Paul.

During the legal proceeding, which was settled with the help of a mediator, Potter acknowledged that tapes of the radio transmissions made during the incident were improperly destroyed. He said in an interview that the erasure was unintentional and occurred when the tapes were reused to record radio transmissions months later.

Wisener's uniform was also not available during the legal proceeding. Steering had requested that it be produced to determine whether the officer had been bitten. Potter said the uniform had already "outlived its useful life and was thrown out."

Steering said Mansfield and her two boys "are going to use the money to move out of town."

garrett.therolf@latimes.com